## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11-cv-415-RJC-DCK

JOYCE MATHIS,	)
Plaintiff,	) )
vs.	) ) <u>ORDER</u>
ATLANTIC ACQUISITIONS GROUP, LLC,	) )
Defendant.	) ) )

THIS MATTER comes before the Court <u>sua sponte</u>. Plaintiff filed her Complaint on August 29, 2011. (Doc. No. 1). The case docket reflects that a summons was issued by the Clerk of the Court on August 30, 2011 for service of the Complaint on Defendant. (Doc. No. 2). However, the docket contains neither (1) a return of summons or proof of service of the Complaint on Defendant nor (2) an executed waiver of service by Defendant. Federal Rule of Civil Procedure 4(m) provides as follows:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff had until December 28, 2011 to serve her Complaint on Defendant. The time has now expired. Plaintiff is hereby warned that if she does not serve her Complaint on Defendant within 14 days, her case will be DISMISSED without prejudice.

IT IS, THEREFORE, ORDERED that Plaintiff shall serve her Complaint on Defendant and provide this Court with proof of service within 14 days. FAILURE TO PROVIDE THE COURT WITH PROOF OF SERVICE WITHIN 14 DAYS WILL RESULT IN

## DISMISSAL OF ALL CLAIMS AGAINST DEFENDANT.

Signed: January 11, 2012

Robert J. Conrad, Jr.

Chief United States District Judge